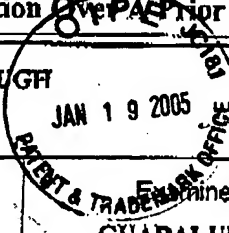


**Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over Prior Patent**

Docket No.  
LEVLI07

In Re Application Of: SCARBOROUGH



Application No. 10/758,387	Filing Date 01/14/2004	Examiner GUADALUPE	Customer No. 21,658	Group Art Unit 2859	Confirmation No. 5442
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Invention: TAPE MEASURE THAT INCORPORATES A WHEELED MARKING DEVICE FOR APPLYING A MARKING INDICIA

Owner of Record: IRWIN INDUSTRIAL TOOL COMPANY

**COMMISSIONER FOR PATENTS:**

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,701,635. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation partnership, university, government agency etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record

Matt Popik  
Signature

1/12/05

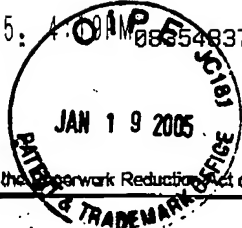
Dated:

**MATT POPIK, V.P. OF ENGINEERING**

*Typed or Printed Name*

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.

- ☒ PTO suggested wording for terminal disclaimer was unchanged.  
☒ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.



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### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: DANE SCARBOROUGH

Application No./Patent No.: 10/758,387

Filed/Issue Date: 01/14/2004

Entitled: Tape Measure That Incorporates a Wheeled Marking Device for Applying a Marking Indicia

IRWIN INDUSTRIAL TOOL COMPANY, a CORPORATION

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
 in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015303, Frame 0793 or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
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[NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3. If the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Matt Popik  
 Signature

MATT POPIK

Printed or Typed Name

V.P. OF ENGINEERING

Title

1/12/05  
 Date

704-987-4565

Telephone number

JAN 19 2005

**Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over A Prior Patent**Docket No.  
**LEVL107**In Re Application Of: **SCARBOROUGH**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No
10/758,387	01/14/2004	GUADALUPE	21,658	2859	5442

Invention: **TAPE MEASURE THAT INCORPORATES A WHEELED MARKING DEVICE FOR APPLYING A MARKING INDICIA**Owner of Record: **IRWIN INDUSTRIAL TOOL COMPANY****COMMISSIONER FOR PATENTS:**

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,698,104. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

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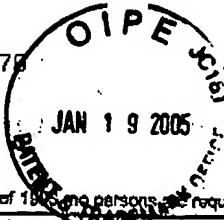
Dated:

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: DANE SCARBOROUGH

Application No./Patent No.: 10/758,387

Filed/Issue Date: 01/14/2004

Entitled: Tape Measure That Incorporates a Wheeled Marking Device for Applying a Marking Indicia

IRWIN INDUSTRIAL TOOL COMPANY, a CORPORATION

(Name of Assignee)

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Signature

MATT POPIK

Printed or Typed Name

V.P. OF ENGINEERING

Title

Date

1/12/05  
704-987-4565

Telephone number

JAN 19 2005

**Terminal Disclaimer To Obviate A Double  
Patenting Rejection Over A Prior Patent**Docket No.  
LEVL107

In Re Application Of: SCARBOROUGH

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/758,387	01/14/2004	GUADALUPE	21,658	2859	5442

Invention: TAPE MEASURE THAT INCORPORATES A WHEELED MARKING DEVICE FOR APPLYING A MARKING INDICIA

Owner of Record: IRWIN INDUSTRIAL TOOL COMPANY

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*Matt Popik*  
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Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: DANE SCARBOROUGHApplication No./Patent No.: 10/758,387Filed/Issue Date: 01/14/2004Entitled: Tape Measure That Incorporates a Wheeled Marking Device for Applying a Marking IndiciaIRWIN INDUSTRIAL TOOL COMPANY, a CORPORATION

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